

REMARKS

The June 6, 2003 Office Action rejects all claims under 35 U.S.C. § 112. In light of the amendments above, the arguments below and Applicants' telephone interview with Examiner Shukla, Applicants respectfully request reconsideration.

On August 13, 2003, Applicants' attorney, Jean C. Baker, interviewed the above identified case with Examiner Shukla. Applicants and their attorney thank Examiner Shukla for his useful suggestion and the courtesy of his time.

During the interview, Applicants' attorney and Examiner Shukla discussed the § 112 rejections and Examiner Shukla's comments about the incorporation of Friedman by reference. Applicants' attorney explained to Examiner Shukla that the Friedman et al. article formed the basis of both the provisional application and above referenced non-provisional application. Examiner Shukla specifically asked about the terms "P4H-gene modified nematode" and "test chimeric nematode." Applicants' attorney explained that these terms were used and defined in both the provisional and the non-provisional application. Examiner Shukla noted that he would drop

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his objections to the incorporation by reference of Friedman et al.

Examiner Shukla and Applicants' attorney then discussed the § 112 rejections. Applicants' attorney will summarize this conversation under each individual rejection.

§ 112 Rejections:

Applicants' attorney noted that on page 3 the Examiner had noted that Applicants had argued that "an artisan could determine which gene was responsible and such methods were known in the art." However, Examiner Shukla had pointed out that "the method as instantly presented does not have any such step..." Applicants' attorney and Examiner Shukla agreed that Applicant would amend claims 1, 12 and 17 to provide such a step. Applicant has done so.

In the second paragraph of page 3, Examiner Shukla had pointed out in the Office Action that "regarding the next issue . . . how a compound could increase the activity of P4H C. elegans . . ." While not completely agreeing with Examiner Shukla's comments, Applicant's attorney agreed that Applicant would amend the claims to focus on inhibition of the P4H enzyme. Applicants have

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amended claims 1 and 17 to emphasize inhibition of P4H.

Applicants' attorney did not specifically call to Examiner Shukla's attention that claim 12 is specifically drawn to an increased level of P4H activity; however, claim 12 is drawn to situation where the *C. elegans* already comprises a dpy-18 or phy-1 mutation phenotype.

Therefore, one could observe the rescue of these phenotypes as indicating an increased P4H activity.

Applicants' attorney apologizes for not bringing this alternative claim scenario to Examiner Shukla's attention. Applicants believe that this claim is adequate as written and is in keeping with Examiner Shukla's general comments about patentability.

Examiner Shukla, in the same paragraph, indicated that Applicant should be clear to note that in a situation where an exogenous P4H gene complemented an endogenous P4H gene, the endogenous P4H gene is not functional. Applicants have done so in the claim.

Examiner Shukla had an additional rejection at the bottom of page 3 concerning claim 9. While not agreeing with the Examiner's argument, Applicants have abandoned claim 9.

Applicants respectfully request reconsideration.

Applicants believe that no fee is necessary to enter this  
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response. However, if a fee is necessary, please charge  
Deposit Account 17-0055.

Respectfully submitted,

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September 5, 2003

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